

IN THE SENATE

SENATE BILL NO. 1116

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO ORGAN DONOR NOTIFICATION; AMENDING SECTION 39-3413, IDAHO CODE, TO DEFINE A TERM, TO REVISE TERMINOLOGY, TO PROVIDE THAT CERTAIN INFORMATION REGARDING DONORS SHALL BE GIVEN TO DISPATCH AGENCIES, THE IDAHO STATE COMMUNICATION CENTER AND ORGAN PROCUREMENT ORGANIZATIONS, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE A PROVISION RELATING TO PENALTIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-3413, Idaho Code, be, and the same is hereby amended to read as follows:

39-3413. SEARCH AND NOTIFICATION. (1) For purposes of this section, "first responder" means a law enforcement officer, firefighter, emergency medical services provider, coroner or other emergency rescuer.

(2) The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:

(a) ~~A law enforcement officer, firefighter, paramedic or other emergency rescuer~~ first responder finding the individual; and

(b) If no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital.

(3) For all individuals identified as a donor, the first responder responsible for determining that a deceased individual may be transported from the out-of-hospital scene shall, as soon as reasonably possible, notify the dispatch agency providing primary communication with the first responder on scene the location that the deceased has been or will be transported to and shall include the deceased individual's name if known. The dispatch agency receiving such information shall, as soon as reasonably possible, notify the Idaho state communication center of the information it has received. The Idaho state communication center shall, as soon as reasonably possible, notify the appropriate organ procurement organization, tissue bank or eye bank.

(24) If a document of gift or a refusal to make an anatomical gift is located by the search required by subsection (12) (a) of this section and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

(35) A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section ~~but may be subject to administrative sanctions.~~